

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
CHERYL DUCOTE,

Plaintiff,

v.

MONTEFIORE MEDICAL CENTER,

Defendant.
-----x

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3-26-15</u>

14 Civ. 10095 (KC)(JCF)

**JOINT MOTION TO
STAY CASE PENDING
MEDIATION**

The Parties to this matter, through undersigned counsel, respectfully request that the Court stay this case pending the outcome of the parties' mediation, scheduled for April 30, 2014. In support of this Motion, the parties state as follows:

1. On March 23, 2015, Defendant filed a letter request for a pre-motion conference prior to filing a motion to dismiss Plaintiff's Third Cause of Action pursuant to F.R.C.P. 12(b). Pursuant to this Court's Individual Practices at 2-A, Plaintiff is required to respond to the letter request by March 26, 2015.
2. Pursuant to the Notice of Assignment of Mediator, the parties have arranged to appear for mediation on April 30, 2015 before Anthony M. Sabino, Esq. at the Courthouse located at 40 Foley Square, New York, New York.
3. The parties desire to try to resolve this matter before expending time and resources on litigation. In order that the parties may conserve and focus their time and resources on a possible resolution of this matter, the parties respectfully request that the Court stay this matter pending the outcome of mediation. This request for a stay pending the parties' scheduled mediation shall not affect any other date set forth in the Civil Case Management Plan and Scheduling Order dated February 19, 2015 in this action.
4. In the event that the mediation is not successful, Plaintiff will respond to the above-described pre-motion letter within three (3) days after the mediation is declared

unsuccessful by the mediator, and the parties request that Plaintiff's time to file this letter response hereby is extended until such date.

5. Alternatively, in the event the Court declines to grant this request for a stay of proceedings pending the parties' mediation, it is respectfully requested that the Court extend Plaintiff's time to respond to the above-described pre-motion letter to March 30, 2015.

6. No party intends to waive, is waiving, or shall be deemed to have waived any claim or defense in connection with this application, and all claims and defenses available to a party as of the date hereof are preserved.

WHEREFORE, the parties respectfully request that the Court stay this matter pending the outcome of mediation.

Dated: New York, New York
March 25, 2015

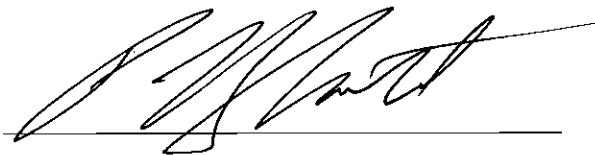
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Attorneys for Defendant

SO ORDERED:



3-26-15

DATE

This is a one time stay of the case until May 6, 2015. Plaintiff shall respond to the pre-motion letter by May 8, 2015. The Court does not anticipate extending the stay for any reason.